

THE LAW OFFICE OF BRIAN T. STAPLETON, ESQ.

75 SOUTH BROADWAY – 4th FLOOR
WHITE PLAINS, NY 10601

o: (914) 770-7402
f: (914) 517-5980
c: (914) 623-3024
brian.t.stapleton@gmail.com

October 7, 2019

MOTION FOR PERMISSION TO WITHDRAW AS COUNSEL AND FOR AN EXTENSION OF DISCOVERY SCHEDULE

Via ECF Filing

The Hon. Sandra J. Feuerstein
United States District Court for the Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

In Re: Carl Semencic v County of Nassau, et al.
Case No.: 2:18-cv-05244-SJF-AKT

Your Honor:

Please be advised that this office represents the plaintiff Carl Semencic in the above-referenced case.

I am writing to advise that I have just very recently become a member of the law firm of Bennett Bricklin & Saltzburg, LLC (“BBS”) and am in the process of winding down my solo law practice. BBS is an insurance defense firm based in Philadelphia, Pennsylvania that has recently opened a New York office located at 50 Broad Street in Manhattan.

As mentioned above, BBS is a defense firm. As a matter of policy, BBS does not engage in litigation on behalf of plaintiffs. Also, BBS has long-standing relationships with numerous different insurance companies, many of which underwrite insurance policies on behalf of municipalities. In order to avoid potential conflicts of interest, and also to maintain its’ long-standing relationships with its existing clients, BBS will not be filing a Notice of Appearance on Mr. Semencic’s behalf and has asked me to withdraw as Mr. Semencic’s counsel in this case.

For these reasons, I am hereby respectfully requesting permission to withdraw as Mr. Semencic’s counsel.

Pursuant to your order, discovery in this matter is set to close on November 27, 2019 and a pre-trial conference has been scheduled for January 9, 2020.

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The parties have been working co-operatively to complete discovery here: written discovery responses have been exchanged but there are several depositions that need to be completed. I also anticipate that the co-defendants will be making dispositive motions once discovery has been completed.

Mr. Semencic will need time to retain the services of new counsel, and that person will need time to familiarize him- or herself with the facts and legal theories of this case, receive and review this office's (rather large) case file, complete discovery, prepare for and respond to any dispositive motions that may be filed, and also to prepare for trial.

Respectfully, I do not believe the current close of discovery deadline and pre-trial conference date will allow new counsel sufficient time to achieve these important objectives. Equally important, I am very concerned that the current scheduling deadlines will actually hinder Mr. Semencic's ability to obtain new counsel, as any responsible trial counsel will very likely be reluctant to enter into this case under the tight deadlines imposed by the current scheduling order.

Therefore, in fairness to Mr. Semencic and in order to give him the most reasonable, fullest and fairest chance to obtain a new lawyer and adequately protect his rights here, I am respectfully requesting that the current deadline for close of discovery be extended for a period of six (6) months, from November 27, 2019 until May 27, 2020, and that the current pre-trial conference date of January 9, 2020 be likewise extended until July 9, 2020.

Please be advised that I have consulted Mr. Semencic and he is aware I am making this request. Please be further advised that I have consulted with counsel for all co-defendants to advise them of this new development and also that I would be seeking permission to withdraw as counsel and for extensions of the current discovery deadline and pre-trial conference. All co-defense counsel have agreed to these motions being granted.

Thank you very much for your consideration.

Respectfully Submitted,

The Law Office of Brian T. Stapleton, Esq.

Brian T. Stapleton

By: Brian T. Stapleton, Esq.

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BTS/ma

no encl.

cc:

Mr. Ralph Reissman, Esq.

via email to rreissman@nassaucountyny.gov

Mr. Stephen Carlin, Esq.

via email to scarlin@nassaucountyny.gov

Ms. Deanna Panico, Esq.

Via email to dpanico@beereadylaw.com

Mr. Jason Greenfield, Esq.

via email to jgreenfield@beereadylaw.com

Mr. Carl Semencic

via email to semencic@me.com